

### Remarks

Claims 1 and 68-89 are pending. Entry of the amendment is respectfully requested. No new matter has been added. Reconsideration is respectfully requested.

Support for claims 87-89 can be found in the Specification (e.g., page 25, line 14+; page 25, line 1+; page 72, line 6+).

### The Rejections

Claims 1 and 68-87 were rejected as anticipated pursuant to 35 U.S.C. § 102(b) over Schwab (US 5,973,731). Applicants claim priority to 10/7/99 and 10/9/98. Thus, the use of Schwab under 35 U.S.C. § 102(b) is questioned. Schwab also does not anticipate the claims.

#### Claim 1

Schwab does not teach receiving a check *into* an automated banking machine. Schwab at relied upon col. 9, lines 25-30 is directed to the "identification of people".

Nor does Schwab teach an automated banking machine including a cash dispenser. Schwab at relied upon col. 7, lines 4-15 is directed to customers at (in) a bank.

Nor does Schwab teach capturing an image (including indicia) on a *check* through operation of an imaging device *in* an automated banking machine. Schwab at relied upon col. 7, lines 40-50 is absent discussion of a check.

Nor does Schwab teach operating at least one computer in operative connection with an imaging device to produce at least one *markup language* document corresponding to indicia on a *check*. Schwab does not explicitly teach a markup language document.

Nor does Schwab inherently teach a markup language document. What prevents Schwab from conventionally communicating images in a text file or via FTP (file transfer protocol)? A markup language document is neither taught nor required in Schwab. *In re Robertson*, 169 F.3d 743, 49 USPQ2d 1949 (Fed. Cir. 1999).

Furthermore, where does Schwab relate a markup language document to indicia on a check? Schwab does not anticipate claim 1.

#### **Claim 86**

Note Applicants' remarks in support of the patentability of claim 1. Furthermore, Schwab does not teach at least one computer that is selectively operative (responsive to user inputs) to (1) cause a cash dispenser to operate to dispense cash from an automated banking machine, (2) cause at least one image of a check to be captured through operation of a document imaging device, and (3) to produce at least one markup language document corresponding to at least a portion of the at least one image. Where does Schwab teach capturing the image of a check? Where does Schwab teach producing a markup language document corresponding to at least a portion of the captured check image? Schwab does not anticipate claim 86.

#### **Claim 87**

Note Applicants' remarks in support of the patentability of claims 1 and 86. Schwab teaches a transaction terminal (102). Where does Schwab teach a data store including check transaction data corresponding to an image of a check received during a transaction at an automated banking machine? Where does Schwab teach a check analysis terminal that can receive the check image transaction data in a markup language document, store the data, and display a visual representation of the stored data?

As previously discussed (e.g., claim 1 remarks), Schwab does not even teach a *markup language* document. Schwab does not anticipate claim 87.

**Claim 88**

For reasons already discussed, Schwab does not teach or suggest an automated banking machine that can produce a markup language document including check transaction data in the manner recited.

**Claim 89**

Nor does Schwab teach or suggest displaying a stored check image at a terminal.

**The Other Dependent Claims**

Applicants also respectfully traverse the dependent claim rejections. Schwab does not teach the recited dependent claims. Each of the dependent claims depends directly or indirectly from an independent claim. The Applicants have shown the independent claims to be allowable. Thus, it is asserted that the dependent claims are allowable on the same basis. Furthermore, each dependent claim additionally recites specific features and relationships that further patentably distinguish the claimed invention over the applied art. Schwab does not teach these additionally recited features and relationships.

**Fee For Additional Claims**

Please charge the fees associated with the submission of two additional total claims (\$100) and any other fee due to Deposit Account 09-0428.

### Conclusion

Each of Applicants' pending claims specifically recites features, relationships, and/or steps that are neither disclosed nor suggested in the applied prior art. Furthermore, the applied prior art is devoid of any such teaching, suggestion, or motivation for combining features of the applied art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



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